

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 13 NOVEMBER 2007

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillor I Cross (Wahroonga Ward)
Councillors M Lane & A Ryan (Gordon Ward)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miodic)
Manager Development Assessment Services (Matthew Prendergast)
Director Operations (Greg Piconi)
Director Strategy (Steven Head)
Manager Urban Planning (Antony Fabbro)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No interest was declared.

443 Confirmation of Reports to be Considered in Closed Meeting

File: S02499

Resolved:

(Moved: Councillors Cross/Lane)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1 **102 Rosedale Road, St Ives - Purchase Update** - *(Section 10A(2)(c) - Information that would confer a commercial advantage)*

- C.2 **Staff Matter - General Manager's Performance Review - (Section 10A(2)(a) - Personnel matters concerning particular individuals)**

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

The following member of the public addressed Council on items not on the Agenda:

I Glendinning

Councillor Shelley arrived

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Confidential **Refer GB.3 - Sir David Martin Reserve Landscape Masterplan -**
Agenda Items: Attachment 3 - Copy of Petition to Council, 41 Signatures.

Refer GB.4 - Tender for Sewer Mining Project, Gordon Golf Course -
Attachment 1 - Kingsway Financial Assessments Pty Ltd Assessment Report
& Attachment 2 - Cost & Financial Report.

Refer GB.5 - Proposed Lot 1, Water Street (aka Lot 1, 134 to 136
Eastern Road, Wahroonga) - Proposal to Acquire - Attachment 2 - BEM
Property Consultants Pty Ltd Valuation & Attachment 5 - Financial
Information.

Late Items: **Refer GB.8 - North Turramurra Recreation Area Review of Exhibition**
Submissions - Report by Director Strategy dated 22 October 2007.

Refer GB.9 - West Pymble Indoor Pool & Leisure Centre - Report by
Director Strategy dated 6 November 2007.

Councillors **Publication of Development Applications -** Memorandum by Director
Information: Development & Regulation dated 7 November 2007 in reference to a
Question Without Notice raised by Councillor Tony Hall at the Ordinary
Meeting of Council held 28 August 2007

Memorandums: **Refer GB.3 - Sir David Martin reserve Landscape Masterplan -**
Memorandum by Director Strategy dated 13 November 2007 in reference to
two additional recommendations to the report.

Refer GB.9 - West Pymble Indoor Pool & Leisure Centre - Memorandum
by Director Strategy dated 13 November 2007 in reference to new
recommendations to the report.

CONFIRMATION OF MINUTES444 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 30 October 2007
Minutes numbered 422 to 442

Resolved:

(Moved: Councillors Lane/Cross)

That Minutes numbered 422 to 442 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

At this point, the Mayor, Councillor Ebbeck thanked the Director Strategy, Steven Head (who has resigned) for his service to the Councillors, Staff and the Community.

GENERAL BUSINESS445 **Sir David Martin Reserve Landscape Masterplan**

File: S04471

For Council to consider responses received during the public exhibition of Sir David Martin Reserve Draft Landscape Masterplan and adoption of the Masterplan.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council adopt the Sir David Martin Reserve Draft Landscape Masterplan to guide future development and management of the park with the inclusion of the following amendments:
- Delete Appendix C from the Masterplan and effect future property acquisitions for open space in South Turramurra through the Open Space Acquisition Strategy and insert the following words into the Landscape Masterplan.

"Council seeks to extend the park over time to provide additional opportunities for passive recreation and ecological conservation, consistent with its status as a District Park".

- Delete Appendix D from the Masterplan.
 - Investigate the suitability of the road verge west of the amenities building in Auluba Road for 45-degree angle parking.
 - Additional wording to be included in New Facilities section:
"That the playing field area at Auluba 1 and 2 not be reduced when the youth activities area is constructed."
 - Amend wording for Auluba 3 sportsfield:
"Undertake upgrade works at Auluba 3 playing field with the design aimed at maximising opportunities for multiple sporting uses such as baseball, softball and football by maintaining the existing field dimensions. Works may include changes in level requiring retaining walls, batters and possibly relocation of baseball diamonds and fences. Planning for this project will involve consultation with the sports user groups."
- B. That Council change wording on p.15 dot point 5 of the draft Masterplan to read as follows:
Upgrade Auluba 3: level with new surface and size to accommodate a range of sporting activities on a full size field and re-position junior baseball diamond slightly to the south.
- C. That Council write a letter to all persons who submitted comments during the public exhibition of the draft Masterplan or participated in the consultations to thank them for their input and advise them of the outcome.

CARRIED UNANIMOUSLY

446 **Tender for Sewer Mining Project, Gordon Golf Course**

File: S04265

The purpose of this report is to award a contract to Econova Operations Pty Ltd for the design, construction and operation of the sewer mining and irrigation works at Gordon Golf Course.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That Council enters into a contract with Econova Operations Pty Ltd based on the revised tender and contract dated 8 October 2007.

- B. That the Mayor and General Manager be authorised to execute all necessary documentation in relation to the contract.
- C. The Common Seal of Council be affixed to all necessary documentation.
- D. The implementation and performance of the project be reported to Council annually as part of the Annual Report.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Bennett & Malicki

447 **4 Munderah Street, Wahroonga - To Alter Terms of Council's Drainage Easement & Connection to Council Pipeline**

File: DA0532/02-3

Ward: Wahroonga

To consider a request by owner of No 4 Munderah Street, Wahroonga to alter the terms of the Council drainage easement over downstream properties to permit connection and discharge into a Council pipeline.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council grants approval for the extinguishment of the existing easement over 1580 to 1596 Pacific Highway, Wahroonga and creation of a new drainage easement 1.83m wide over the existing pipeline.
- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of said Easement for drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.

CARRIED UNANIMOUSLY

448 **North Turramurra Recreation Area Review of Exhibition Submissions**

File: S02796

For Council to consider feedback received during the public exhibition of the preferred Concept Masterplan for the North Turramurra Recreation Area (NTRA), to

consider adoption of the Concept Masterplan and, to consider preparation of a draft Plan of Management for the NTRA incorporating all elements contained in the preferred Concept Masterplan followed by detailed design work and preparation of a development application for construction works.

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That Council adopt the preferred Concept Masterplan for North Turramurra Recreation Area as amended in the report.
- B. That the timetable for progression of the North Turramurra Recreation Area be adopted to guide future management of the project, subject to appropriate financial resources.
- C. That a revised draft Plan of Management for the North Turramurra Recreation Area, including lands identified within the preferred Concept Masterplan be prepared incorporating changes to the Concept Plan as outlined in the report.
- D. That Council commence preparation of detailed design and documentation for development application to be lodged immediately following adoption of the revised Plan of Management incorporating changes and further work as outlined in the report.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with items
where there are speakers first and
that GB.5 be dealt with in Closed Session which was
moved by Councillors Malicki and Andrew
and CARRIED UNANIMOUSLY*

449 **7 Shelby Road, St Ives - Torrens Title Subdivision of Approved Dual
Occupancy**

File: DA0764/07

Ward: St Ives
Applicant: Glendinning Minto & Associates
Owner: Helen Blaxland

The following member of the public addressed Council:

I Glendinning

To determine development application No.0764/07 which seeks consent for Torrens Title subdivision of an approved dual occupancy.

Resolved:

(Moved: Councillors Bennett/Hall)

THAT the Council, as the consent authority, grant development consent to DA0764/07 for Torrens Title subdivision of an approved dual occupancy on land at No. 7 Shelby Road St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Conditions that identify approved plans:**Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA07 Rev A	Bergstrom Architects	3 July 2007

Reason: To ensure that the development is in accordance with the determination of Council.

Conditions to be satisfied prior to the issue of a Subdivision certificate:**OSD positive covenant**

The applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on site. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

Reason: To ensure maintenance of on site stormwater detention facilities.

Retention and re-use positive covenant

The applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site retention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). The location of the on-site retention facilities for all dwellings is to be noted on the final plan of subdivision.

Reason: To ensure maintenance of site retention and re-use facilities.

Sydney Water Section 73 Compliance Certificate

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

Reason: Statutory requirement.

Reinstatement of crossings

Prior to issue of the Subdivision Certificate, the principal Certifying Authority is to be satisfied that following works have been completed:

- construction of the new driveway crossing(s) and layback(s) in accordance with the levels and specifications issued by Council
- removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council
- reinstatement works match surrounding adjacent infrastructure with respect to marrying of levels and materials
- any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing
- any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) has been repaired to the satisfaction of Council and at no cost to Council

Reason: To protect public infrastructure and the streetscape.

Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent DA 1146/06 & LEC Appeal No. 10122 of 2007 have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

Submission of 88B instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus 5 copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

Submission of plans of subdivision (Torrens Title)

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 5 copies
- c) a copy of the Occupation Certificate issued for DA 1146/06 & LEC Appeal No. 10122 of 2007.
- d) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- e) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

Reason: Statutory requirement.

General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

CARRIED UNANIMOUSLY

Councillor Ryan withdrew

450 **Proposed Lot 1, Water Street (aka Lot 1, 134 to 136 Eastern Road, Wahroonga) - Proposal to Acquire**

File: P41852

The following members of the public addressed Council:

**C Parr
A Parr
Jessica**

See Minute No 466 for Resolution

Councillor Ryan returned

451 **West Pymble Indoor Pool & Leisure Centre**

File: S04066

The following member of the public addressed Council:**T Key**

For Council to consider for preliminary approval a concept plan of the West Pymble Pool Re-development and next steps to progress this matter.

Resolved:

(Moved: Councillors Ryan/Shelley)

- A. That Council adopt Option 1 as the basis of a preferred option for the provision of new indoor pool facilities.
- B. That consultation including a presentation and discussion of the proposal be undertaken at the Lofberg Road Community Hall. Further that information be available at the Pool, on Council's website and in the media regarding the proposal.
- C. That Council call for expressions of interest to gauge interest from the private sector in investing in the development and or ongoing management of West Pymble Pool as outlined in the Report.
- D. That funding of the facility be considered in the review of Council's Long Term Financial Model in December 2007 and following consideration of responses to an Expression of Interest.
- E. That further reporting to Council occur following the undertaking of an Expression of Interest by the end of February 2008 which considers feedback from the period of consultation and further review and development of the financial model, including capital depreciation and ongoing costs and income.
- F. That further review of the concept design seek to ensure retention or relocation of the existing baby & toddler pools.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Bennett & Malicki

*The above Resolution was CARRIED as an Amendment to the Original Motion.
The Original Motion was:*

(Moved: Councillors Malicki/Andrew)

- A. *That a public meeting be held before Christmas in the Lofberg Road Community Hall to discuss the proposal for the redevelopment of West Pymble Pool and a plan for continued community and stakeholder consultation and involvement in the process be put forward at that meeting.*
- B. *That Council call for expressions of interest to gauge interest from the private sector in investing in the development and or ongoing management of West Pymble Pool based on Option 1 as outlined in this report, and as modified through consultation.*
- C. *That further reporting to Council occur following both the Consultation and the undertaking of an Expression of Interest by the end of February 2008.*
- D. *That funding for a facility be considered in the review of Council's Long Term Financial Model in December 2007 and following consideration of responses to an Expression of Interest.*
- E. *That full scale plans be displayed at West Pymble Pool.*

452 **Representation on Ku-ring-gai Meals on Wheels Committee Inc**

Files: S02355, S03148

For Council to make an appointment to the Ku-ring-gai Meals on Wheels Committee Inc.

Resolved:

(Moved: Councillors Cross/Anderson)

That the Mayor, Councillor Ebbeck be appointed as representative to the Meals on Wheels Committee Inc.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillor Malicki

453 **Heritage Advisory Committee - Minutes of Meeting held 21 August 2007**

File: S03816

To report to Council the Minutes from the Heritage Advisory Committee Meeting held on Tuesday, 21 August 2007.

Resolved:

(Moved: Councillor Anderson/Mayor, Councillor Ebbeck)

- A. That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on Tuesday, 21 August 2007.
- B. That the existing Conservation Management Plan for Tulkiyan be updated to take into account the State heritage listing of the item.
- C. That funding sources be investigated for the updated Conservation Management Plan, including an application to the NSW Heritage Office and this matter reported back to the Heritage Advisory Committee.
- D. That recommendations regarding minor maintenance allocations under the Heritage Assistance Grant be recommended to Council under separate cover.

CARRIED UNANIMOUSLY

Councillor Ryan withdrew

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

454

Funds for Open Space

File: S03175

Notice of Motion from Councillor M Shelley dated 31 October 2007

I move:

"That Council undertake an analysis of the feasibility of utilising funds identified for the acquisition of open space to convert the Lord Street Car Park in Roseville for the purpose of open space with above-ground parking replaced underground".

Resolved:

(Moved: Councillors Shelley/Lane)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

The Mayor, Councillor Ebbeck advised that Councillor Cross had resigned as Chair of the Finance Forum and the position needs to be filled.

*The following item was dealt with
after a Motion moved by the Mayor, Councillor Ebbeck & Councillor Hall
to have the matter dealt with at the meeting was
CARRIED and the Mayor ruled Urgency*

*For the Urgency: The Mayor, Councillor N Ebbeck, Councillors Andrew,
Bennett, Cross, Hall, Lane, Shelley & Anderson*

Against the Urgency: Councillor Malicki

Councillor Ryan returned

455 **Chairperson - Finance Forum**

File: S03851

Councillor Ryan was nominated as Chairperson of the Finance Forum.

Resolved:

(Moved: Councillors Ebbeck/Cross)

That Councillor Ryan be appointed as Chairperson of the Finance Forum.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew,
Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: Councillors Bennett & Malicki

The Mayor, Councillor Ebbeck advised Council that he had resigned as Council's representative on the Meals on Wheels Committee Inc and a replacement delegate is required.

*The following item was dealt with after a motion
moved by the Mayor, Councillor Ebbeck and Councillor Cross
to have the matter dealt with at the meeting was CARRIED
and the Mayor ruled Urgency*

*For the Urgency: The Mayor, Councillor N Ebbeck, Councillors Andrew,
Bennett, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Urgency: Councillor Malicki

456 **Delegate on Meals on Wheels Committee Inc**

File: S03148

Councillor Shelley was nominated as Council's delegate on the Meals On Wheels Committee Inc.

Resolved:

(Moved: Councillors Cross/Lane)

That Councillor Shelley be appointed as Council's delegate to the Meals on Wheels Committee Inc.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE457 **Private Certifiers**

File: S02465

Question Without Notice from Councillor T Hall

Following recent amendments to the Environmental Planning & Assessment Act, the accreditation of private certifiers has been tightened and so have complaints against accredited certifiers.

Would the General Manager provide advice that such complaints in this local government area be brought to the notice of full Council for consideration where appropriate determination of these complaints?

Answer by the General Manager

Happy to do that Councillor Hall.

458 **NSW Minister for Planning**

Files: S02237, S05766

Question Without Notice from Councillor T Hall

In his answer to a question in the NSW Legislative Assembly on 6 November 2007, Planning Minister Sartor acted against Ku-ring-gai Council because he was listening to its community and quoted one resident who supported the NSW Government taking over the planning powers of this Council.

Would you, Mr Mayor, ascertain whether the Minister will also take notice of the 4,000 signature Petition opposing his intervention submitted to the Clerk of the Assembly, also on 6 November?

Will you raise this petition at your meeting next week, please?

Answer by the Mayor

I am happy to raise that with the Minister if it best suits the outcome of the meeting.

459 **Closure of Illegal Brothel in Roseville**

File: P54534

Question Without Notice from Councillor M Shelley

Would the General Manager please pass on my thanks to the staff involved in the recent and prompt closure of the illegal brothel in Roseville following the amendments to the Act?

Answer by the General Manager

I will do.

460 **Footpath - Holy Cross Family School**

File: 88/05900/03

Question Without Notice from Councillor M Shelley

Would the Director Operations consult with the Holy Family School regarding 26 letters from school children regarding footpaths between the School and Paddy Pallin Reserve where they are required to cross 3 major roads to get to the Park as part of their school studies?

Would the Director consult with the School, examine the footpath program and see if there is any opportunity to have the matter resolved?

Answer by the Director Operations

Happy to look into that and look at it in terms of the priority system and talk to the School involved.

461 **Mayor's Letter on Code of Conduct**

File: S04462

Question Without Notice from Councillor E Malicki

As I do not recall making comments to the press on the Code of Conduct Committee in recent times, can you tell me if I am the only Councillor to have received your letter dealing with the Code of Conduct Committee and essentially telling Councillors not to comment to the press about other Councillors in any sort of negative way, especially as this is an election year?

Answer by the Mayor

No, Councillor Malicki, I am sure you are more than happy to give a copy to the media if you like and all Councillors received one including myself.

462 **Mayor's Letter**

File: S04462

Question Without Notice from Councillor E Malicki

Can you tell me if your letter applies to the Mayor and does it apply to Council meetings and as there were spiteful and negative comments made about Councillors not present over dinner tonight, does your letter apply to informal sessions as well?

Answer by the Mayor

Councillor Malicki, seeing that you brought that up, I was going to speak to you later on after the meeting in relation some of the comments I have heard, being made about spiteful comments over the dinner table, we will talk about that later on.

In relation to the letter, the comment is just a simple leadership letter saying that some of the comments made in the papers are not doing this Council any level of good will and I think it leaves a lot to be desired by those that are making some comments. That's all I was trying to do, Councillor Malicki.

463 **Landscape Bonds**

File: S02445

Question Without Notice from Councillor A Andrew

Tonight, we have heard about 6 to 8 week delays in returning tree and landscape bonds. What does the General Manager consider to be a reasonable time to process these claims?

In addition, why does Council charge applicants to have their bonds returned? Has this been the practice in the past on refund of the bonds at the end of the bond period?

Answer by the General Manager

Mr Miocic and myself will look into 2 issues in relation to Mr Glendinning's speech tonight. The first one will be the process and the second one will be where there is an applicable fee in the Fees and Charges that staff are relying on in charging refund of bonds and will report back to Council.

464 **Code of Conduct Letter by Mayor**

File: S04462

Question Without Notice from Councillor L Bennett

Does the Mayor's Code of Conduct letter also refer to Councillors defending themselves from false and spiteful accusations in press or are such Councillors to be left undefended? Or will the Mayor write to the paper defending Councillors subject to such attacks?

Answer by the Mayor

The letter was written based on some of those attacks and was trying to refrain from those happening again. However, point being taken, I think there is already a letter being sent in relation to the subject to confirm that but I am happy to send a similar lone letter to the paper to support your sentiment.

465 **Appreciation to Director Strategy**

File: S02576

Question Without Notice from Councillor A Ryan

Mr Mayor, please can I take this opportunity to thank the outgoing Director, Steven Head, for his excellent guidance over the past 3 and a half years?

Answer by the Mayor

Thank you again Director Head. Thank you Councillor Ryan.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following item
after a Motion was moved by
the Mayor, Councillor Ebbeck and Councillor Cross*

For the Motion: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Lane, Malicki, Ryan, Shelley & Anderson*

Against the Motion: *Councillor Hall*

466 **Proposed Lot 1, Water Street (aka Lot 1, 134 to 136 Eastern Road, Wahroonga) - Proposal to Acquire**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P41852

For Council to consider the acquisition of proposed Lot 1, Water Street (aka Lot 1, 134 to 136 Eastern Road) Wahroonga.

That Council determine its course of action in relation to the acquisition of Lot 1.

Resolved:

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

That the General Manager or delegate be given the delegation to negotiate the purchase of the subject site as local parkland in the terms discussed.

CARRIED UNANIMOUSLY

467 **102 Rosedale Road, St Ives - Purchase Update**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P57397

Report by Director Strategy dated 5 November 2007.

Resolved:

(Moved: Councillors Hall/Bennett)

That the General Manager be given delegation to negotiate the purchase of 102 Rosedale Road, St. Ives in the terms discussed.

CARRIED UNANIMOUSLY

To Open Council

The General Manager adverted to the consideration of the matters referred to in the Minutes numbered 466 & 467, and to the resolutions contained in such Minutes.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following items
after a Motion was moved by the Councillors Ryan & Cross
which was CARRIED UNANIMOUSLY*

468 **Staff Matter - General Manager's Performance Review**

File: S04516

Confidential Mayoral Minute by the Mayor, Councillor Nick Ebbeck dated 9 November 2007.

**Councillor Hall & Malicki withdrew
during discussion**

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Lane)

- A. That Council passes on the senior officers' award increase when applicable in 2007 to the General Manager in recognition of his above satisfactory rating and as per clause 5.1, 5.2 & 7 of his employment contract.
- B. That an adjustment to his remuneration package of 1.5% be adopted, payable from 1 September 2007.
- C. In recognition of the General Manager's performance over an 18 months period, a 6% bonus be paid calculated on the General Manager's new base salary, including the Senior Officers' award increase and remuneration increase.
- D. That the Mayor formally write to the General Manager advising of Council's decision.

CARRIED UNANIMOUSLY

To Open Council

The Mayor adverted to the consideration of the matter referred to in the Minute numbered 468, and to resolution contained in such Minute.

The Meeting closed at 10.40pm

The Minutes of the Ordinary Meeting of Council held on 13 November 2007 (Pages 1 - 20) were confirmed as a full and accurate record of proceedings on 20 November 2007.

General Manager

Mayor / Chairperson